

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012

IN THE SENATE

SENATE BILL NO. 1223

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SCHOOL PROPERTY; AMENDING SECTION 33-601, IDAHO CODE, TO AUTHO-  
RIZE THE USE OF VACANT LAND OF A SCHOOL DISTRICT FOR CERTAIN PURPOSES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-601, Idaho Code, be, and the same is hereby  
amended to read as follows:

33-601. REAL AND PERSONAL PROPERTY -- ACQUISITION, USE OR DISPOSAL OF  
SAME. The board of trustees of each school district shall have the following  
powers and duties:

(1) To rent to or from others, school buildings or other property used,  
or to be used, for school purposes.

(2) To contract for the construction, repair, or improvement of any  
real property, or the acquisition, purchase or repair of any equipment, or  
other personal property necessary for the operation of the school district.

Except for the purchase of curricular materials as defined in section  
33-118A, Idaho Code, such contract shall be executed in accordance with the  
provisions of chapter 28, title 67, Idaho Code.

(3) To designate and purchase any real property necessary for school  
purposes or in the operation of the district, or remove any building, or dis-  
pose of any real property. Prior to, but not more than one (1) year prior to,  
any purchase or disposal of real property, the board shall have such property  
appraised by an appraiser certified in the state of Idaho, which appraisal  
shall be entered in the records of the board of trustees and shall be used to  
establish the value of the real property. The board of trustees shall deter-  
mine the size of the site necessary for school purposes. The site shall be  
located within the incorporated limits of any city within the district; pro-  
vided, however, that if the board finds that it is not in the best interests  
of the electors and the students of the district to locate the site within the  
incorporated limits of a city, the board, by duly adopted resolution setting  
forth the reasons for its finding, may designate a site located elsewhere  
within the district. In elementary school districts, except upon removal  
for highway purposes, a site may be designated or changed only after approval  
of two-thirds (2/3) or more of the electors voting at the annual meeting.

(4) (a) To convey, except as provided by paragraph (b) of this subsec-  
tion, by deed, bill of sale, or other appropriate instrument, all of the  
estate and interest of the district in any property, real or personal.  
In elementary school districts, except such conveyance as is authorized  
by subsection (6) of this section, any of the transactions authorized in  
this subsection shall be subject to the approval of two-thirds (2/3) or  
more of the electors voting at the annual meeting.

Prior to such sale or conveyance, the board shall have the prop-  
erty appraised pursuant to this section, which appraisal shall be en-

1       tered in the records of the board of trustees. The property may be sold  
 2       at public auction or by sealed bids, as the board of trustees shall de-  
 3       termine, to the highest bidder. Such property may be sold for cash or  
 4       for such terms and conditions as the board of trustees shall determine  
 5       for a period not exceeding ten (10) years, with the annual rate of in-  
 6       terest on all deferred payments not less than seven percent (7%) per an-  
 7       num. The title to all property sold on contract shall be retained in the  
 8       name of the school district until full payment has been made by the pur-  
 9       chaser, and title to all property sold under a note and mortgage or deed  
 10      of trust shall be transferred to the purchaser at the point of sale under  
 11      the terms and conditions of the mortgage or deed of trust as the board  
 12      of trustees shall determine. Notice of the time and the conditions of  
 13      such sale shall be published twice, and proof thereof made, in accor-  
 14      dance with subsections (2) and (3) of section 33-402, Idaho Code, except  
 15      that when the appraised value of the property is less than one thousand  
 16      dollars (\$1,000), one (1) single notice by publication shall be suffi-  
 17      cient and the property shall be sold by sealed bids or at public auction.

18      The board of trustees may accept the highest bid, may reject any bid,  
 19      or reject all bids. If the real property was donated to the school dis-  
 20      trict the board may, within a period of one (1) year from the time of  
 21      the appraisal, sell the property without additional advertising or bid-  
 22      ding. Otherwise, the board of trustees must have new appraisals made  
 23      and again publish notice for bids, as before. During the sealed bid or  
 24      public auction process, no real property of the school district can be  
 25      sold for less than its appraised value. If, thereafter, no satisfactory  
 26      bid is made and received, the board may proceed under its own direction  
 27      to sell and convey the property for the highest price the market will  
 28      bear.

29      The board of trustees may sell personal property, with an estimated  
 30      value of less than one thousand dollars (\$1,000), without appraisal, by  
 31      sealed bid or at public auction, provided that there has been not less  
 32      than one (1) published advertisement prior to the sale of said property.  
 33      If the property has an estimated value of less than five hundred dol-  
 34      lars (\$500), the property may be disposed of in the most cost-effective  
 35      and expedient manner by an employee of the district empowered for that  
 36      purpose by the board, provided however, such employee shall notify the  
 37      board prior to disposal of said property.

38      (b) Real and personal property may be exchanged hereunder for other  
 39      property. Provided, however, that aside from the provisions of this  
 40      paragraph, any school district may by a vote of one-half (1/2) plus one  
 41      (1) of the members of the full board of trustees, by resolution duly  
 42      adopted, authorize the transfer or conveyance of any real or personal  
 43      property owned by such school district to the government of the United  
 44      States, any city, county, the state of Idaho, any hospital district  
 45      organized under chapter 13, title 39, Idaho Code, any cooperative ser-  
 46      vice agency formed pursuant to section 33-317, Idaho Code, any other  
 47      school district, the Idaho housing and finance association, any public  
 48      charter school, any library district, any community college district,  
 49      or any recreation district, with or without any consideration accruing  
 50      to the school district, when in the judgment of the board of trustees

1 it is for the interest of such school district that said transfer or  
2 conveyance be made. Prior to any transfer or conveyance of any real or  
3 personal property pursuant to this paragraph (4) (b), the board shall  
4 have the property appraised by an appraiser certified in the state of  
5 Idaho, which appraisal shall be entered in the records of the board of  
6 trustees and shall be used to establish the value of the real or personal  
7 property. Provided however, if the board of trustees finds it is in the  
8 school district's best interests to trade personal property to a person  
9 or entity for like kind personal property, the board of trustees may  
10 vote to elect to do so. The board of trustees may elect to abstain from  
11 an appraisal of the personal property if the estimated value of such  
12 property is less than five thousand dollars (\$5,000).

13 (5) To enter into contracts with any city located within the boundaries  
14 of the school district for the joint purchase, construction, development,  
15 maintenance and equipping of playgrounds, ball parks, swimming pools, and  
16 other recreational facilities upon property owned either by the school dis-  
17 trict or the city.

18 (6) To convey rights-of-way and easements for highway, public utility,  
19 and other purposes over, upon or across any school property and, when neces-  
20 sary to the use of such property for any such purpose, to authorize the re-  
21 moval of school buildings to such new location, or locations, as shall be de-  
22 termined by the board of trustees, and such removal shall be made at no cost  
23 or expense to the school district.

24 (7) To authorize the use of any school building or vacant land of the  
25 district as a community center, or for any public purpose, and to establish a  
26 policy of charges, if any, to be made for such use.

27 (8) To exercise the right of eminent domain under the provisions of  
28 chapter 7, title 7, Idaho Code, for any of the uses and purposes provided in  
29 section 7-701, Idaho Code.

30 (9) If there is a great public calamity, such as an extraordinary fire,  
31 flood, storm, epidemic, or other disaster, or if it is necessary to do emer-  
32 gency work to prepare for national or local defense, or it is necessary to do  
33 emergency work to safeguard life, health or property, the board of trustees  
34 may pass a resolution declaring that the public interest and necessity de-  
35 mand the immediate expenditure of public money to safeguard life, health or  
36 property. Upon adoption of the resolution, the board may expend any sum re-  
37 quired in the emergency without compliance with this section.